

**PLANNING BOARD
RESOLUTION NO. 2014-21**



A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A VARIANCE TO OFF-STREET PARKING REQUIREMENTS TO ALLOW THREE (3) VEHICULAR SPACES AND SIX (6) BICYCLE SPACES FOR THE 18 VEHICULAR SPACES REQUIRED ON PROPERTY LOCATED AT 1200-1212 WHITE STREET (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL – TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT PURSUANT TO SECTIONS 90-395 AND 108-572 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the applicant proposes to use the existing mixed-use building for 2,795 square feet of retail scooter sales, 1,360 square feet of restaurant with a 15-seat, 225-square-foot consumption area, 426 square feet of offices and two (2) non-transient residential dwelling units (the “proposed use”) on property located at 1200-1212 White Street (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812) within the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District; and

WHEREAS, Section 108-572 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”) provides for the minimum off-street parking requirements for land-use types; and

WHEREAS, City Code Section 108-572 requires 18 vehicular parking spaces and five (5) bicycle parking spaces for the proposed use; and

WHEREAS, City Code Section 90-391 allows applicants to request variances to the LDRs through the Planning Board; and

 Vice Chairman
 Planning Director

WHEREAS, the applicant requests a variance to allow the proposed three (3) vehicular parking spaces, including one (1) ADA-accessible parking space, and six (6) bicycle/scooter spaces; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 20, 2014; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will

not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by Resolution of the Key West Planning Board for a variance to allow the proposed three (3) vehicular spaces including one (1) ADA-accessible parking space and six (6) bicycle/scooter parking spaces according to the attached plans dated April 26, 2013 by Paul J. Mitchell, P.E., and the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as amended by Trepanier and Associates dated April 1, 2014 on property located at 1200-1212 White Street (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812) in the HNC-1 Zoning District pursuant to Code Section 108-572 with the following conditions:

General conditions:

1. Approval of this Variance shall be contingent upon the approval of the associated conditional use application and all its attendant conditions.

2. Storage or display of vehicle inventory on City property is strictly prohibited without an easement agreement between the property owner and the City.

3. The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or servicing.

Conditions prior to issuance of a Certificate of Occupancy or business tax receipt:

4. The existing Catherine Street curb cut shall be abandoned to allow additional on-street parking.

Section 3. It is a condition of these variances that full, complete and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.



Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of

legal authority respecting the property.

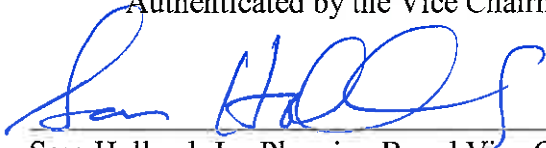
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.


____ Vice Chairman

____ Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 17th day of April, 2014.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director;

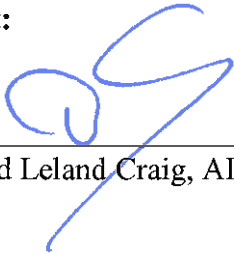


Sam Holland, Jr., Planning Board Vice Chairman

4/21/14

Date

Attest:



Donald Leland Craig, AICP, Planning Director

4/21/14

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

4-21-14

Date



Vice Chairman



Planning Director

1200 - 1206 - 1212 WHITE STREET KEY WEST - FLORIDA

LEGAL DESCRIPTION

LOT 1 and part of LOT 2, SQUARE 6, TRACT 1A, PUBLIC LANDS, DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, KEY WEST, FLORIDA

FLOOD ZONE

ZONE 1: COASTAL HIGH HAZARD AREA, SURF

BUILDING ZONE

4400-5

Outdoor waste handling shall occur between 6:30 AM and 10:30 PM. A roll-out trash dumpster shall be stored within the fully-enclosed area of the building in an effort to mitigate odor from the trash receptacle.

The property owner shall maintain disposal contracts for all hazardous waste at approved locations outside the city. All hazardous materials shall be stored inside the premises until they are collected for disposal.

All commercial and residential trash shall be stored indoors and shall not be placed in city right-of-way, except as allowed for scheduled collection.

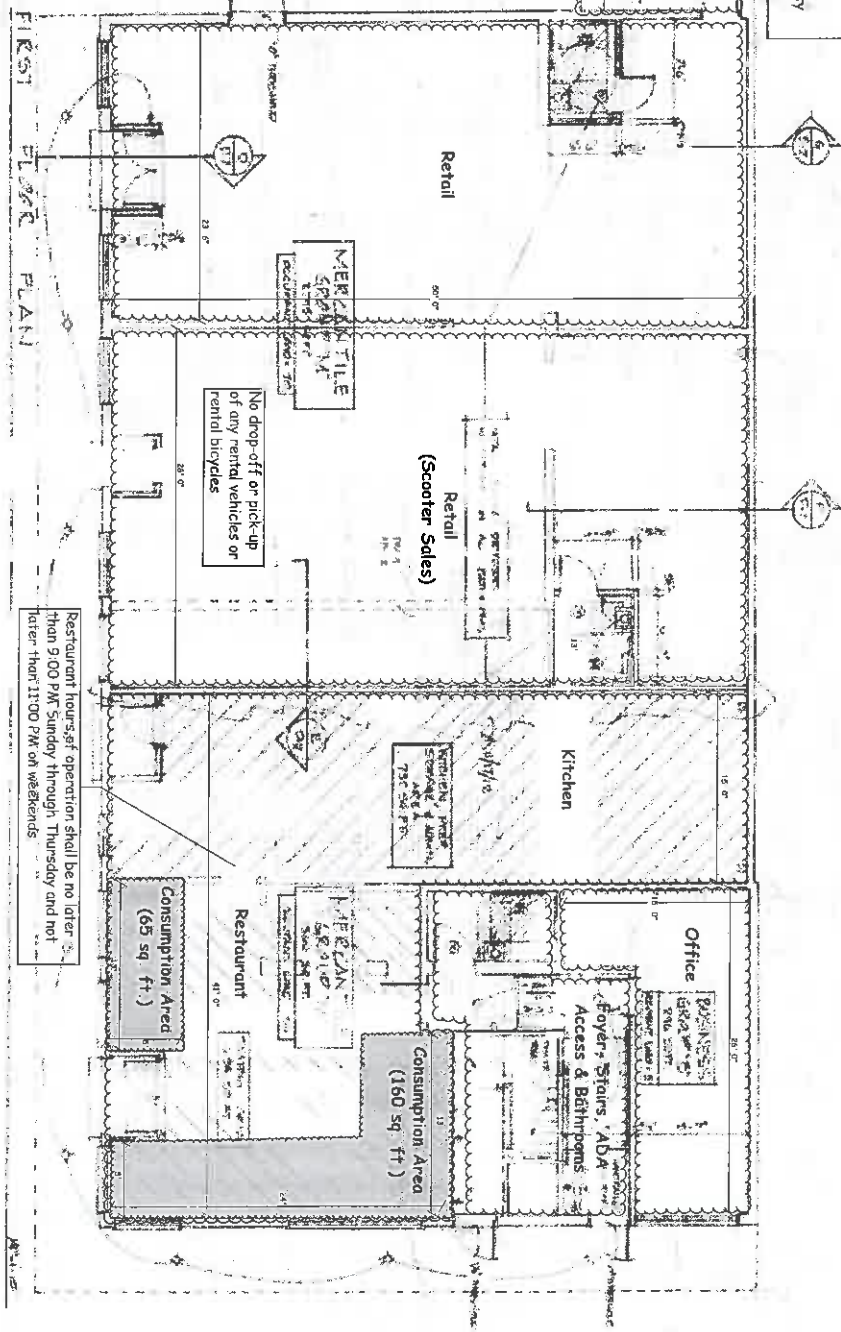
THE BUILD OUT OF THE INTERIOR UNITS WILL BE THE RESPONSIBILITY OF THE TENANTS. THE ELECTRICAL AND MECHANICAL PLANS FOR UNITS WILL BE DONE BY OTHERS.

ALL PERSONS TO THESE PLANS SHALL MEET THE KEY WEST PLANNING DEPARTMENT AND NALAC APPROVAL.

Lighting: Any new exterior lighting shall be designed to "Dark Sky" lighting standards and comply with City Code Section 108-284.

Sound: There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit.

ADA: The property shall be fully ADA accessible.

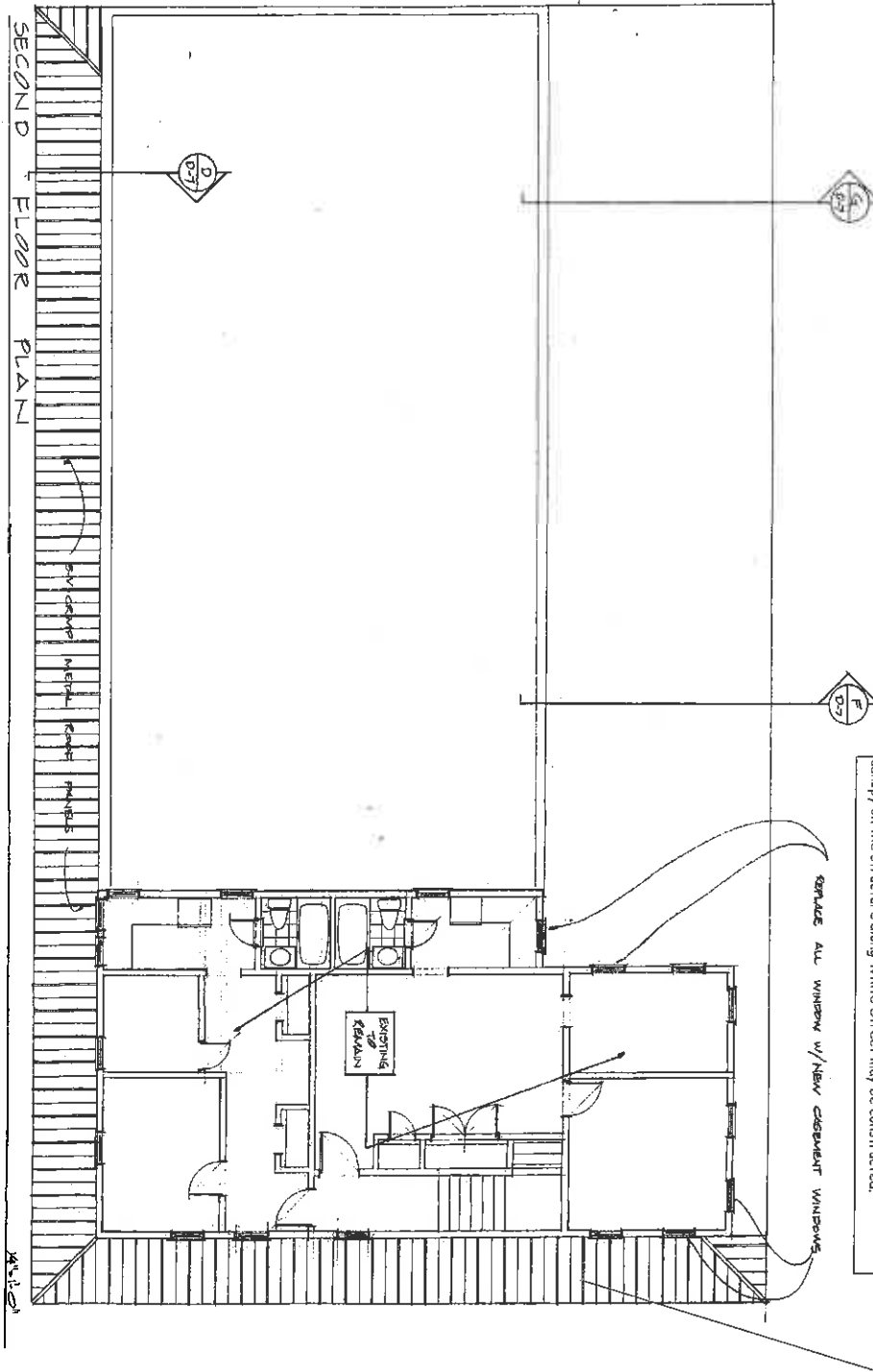


CITE PLAN

DATE 4/21/10
OC 42114



SECOND FLOOR PLAN



W201 4/21/14
PC
42119

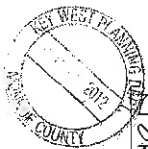
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DRAWING FOR
DATE 10/1/13

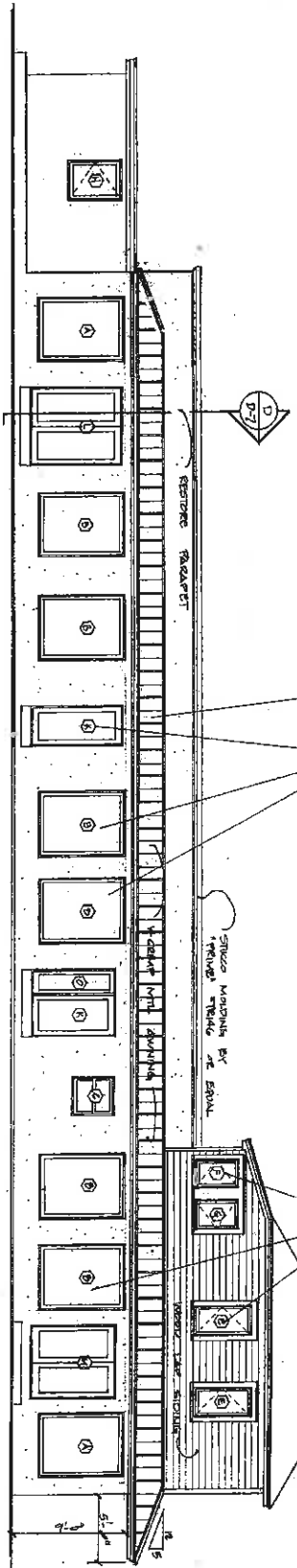
1200 - 1206 - 1212 WHITE STREET
SECOND FLOOR PLAN

KEY WEST

THOMAS KELLY ENTERPRISES INC.
7411 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(806) 748-1100



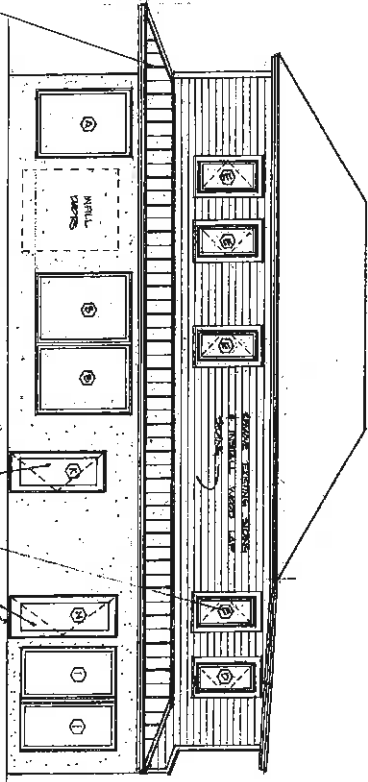
NORTHEAST ELEVATION



The location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed.

EMERGENCY EGRESS OPENINGS
1. Every building having an open front and having any glass area shall have an emergency egress opening. The opening shall be a minimum of 20 square feet in area, and shall be located within 10 feet of the ground level. The opening shall be unobstructed, and shall be provided with a self-closing device. The opening shall be located within 10 feet of the ground level. The opening shall be provided with a self-closing device. The opening shall be located within 10 feet of the ground level. The opening shall be provided with a self-closing device.

NORTHWEST ELEVATION

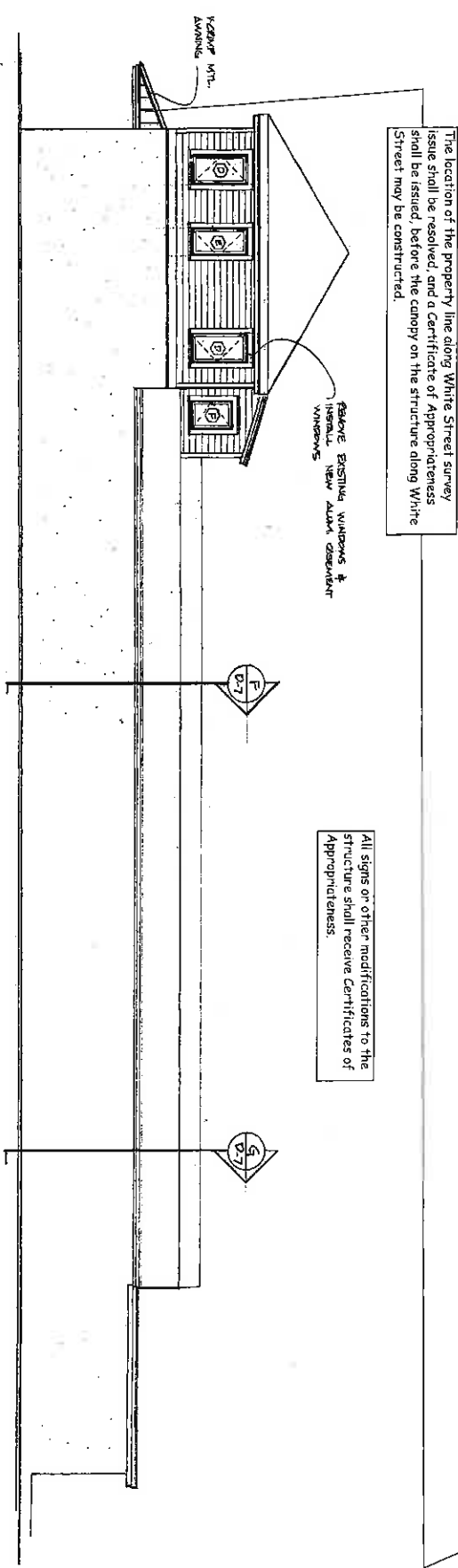


All signs or other modifications to the structure shall receive Certificates of Appropriateness.

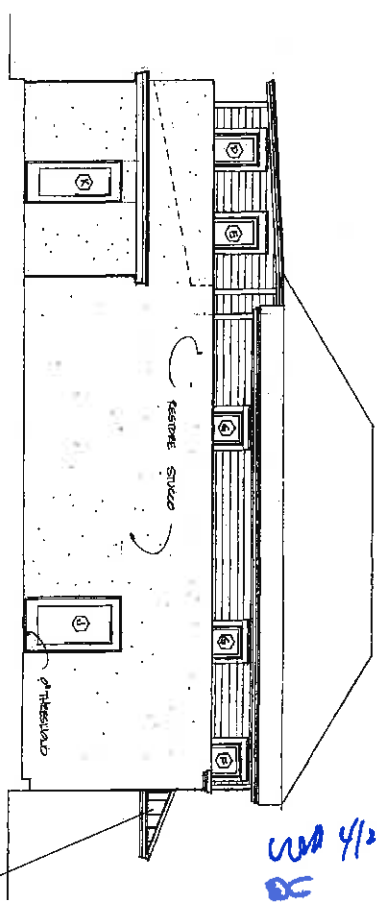
EXTERIOR OPENINGS					
MARK	WIND LOAD	GLASS	W x H	DESIGN LOADS	BRUTTER
A	57.3 - 73.6	Mt. Glass Windows	Impact 80x72	80.0 - 80.0	No
B	57.3 - 82.5	Mt. Glass Windows	Impact 80x72	80.0 - 80.0	No
C	61.7 - 86.8	POT Industries	Impact 36x36	90.0 - 110.0	No
D	61.7 - 82.2	POT Industries	Impact 24x48	70.0 - 80.0	No
E	61.7 - 86.8	POT Industries	Impact 24x48	70.0 - 90.0	No
F	61.7 - 82.2	POT Industries	Impact 24x36	70.0 - 90.0	No
G	61.7 - 86.8	POT Industries	Impact 24x36	70.0 - 90.0	No
H	61.0 - 66.1	POT Industries	Impact 36x48	80.0 - 75.0	No
I	57.6 - 74.1	Mt. Glass Windows	Impact 42x84	80.0 - 80.0	No
J	57.6 - 82.8	Mt. Glass Windows	Impact 47x80	80.0 - 80.0	No
K	58.7 - 63.9	Mt. Glass Windows	Impact 36x80	80.0 - 80.0	No
L	58.0 - 61.2	Mt. Glass Windows	Impact 72x80	80.0 - 80.0	No
M	58.7 - 61.9	Mt. Glass Windows	Impact 80x80	80.0 - 80.0	No
N	58.2 - 63.4	Mt. Glass Windows	Impact 36x36	80.0 - 80.0	No
O	59.7 - 64.9	Mt. Glass Windows	Impact 24x80	80.0 - 80.0	No



SOUTHWEST ELEVATION

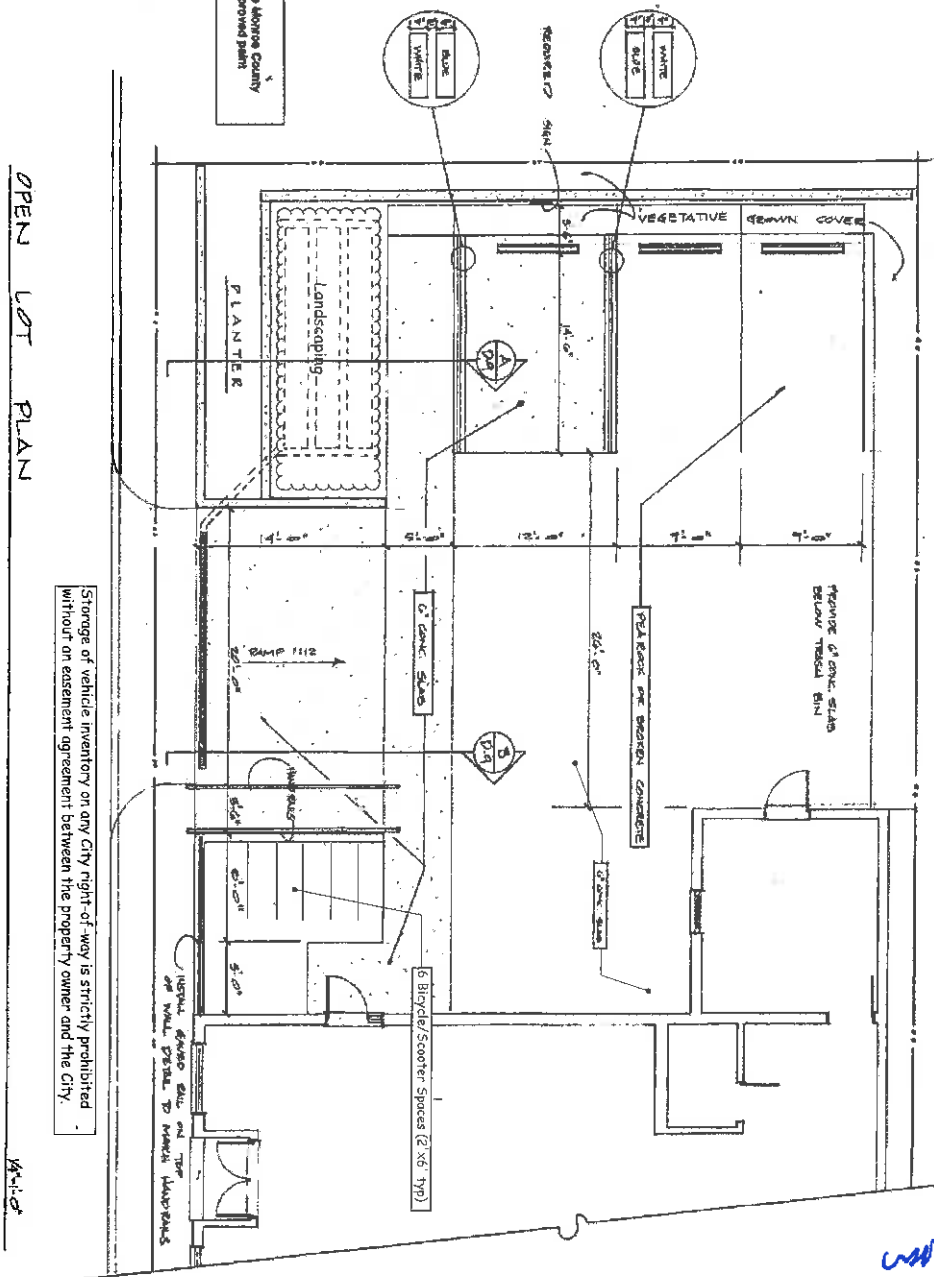


SOUTHEAST ELEVATION



WMA 4/20/14
DC
4/21/14

HANDICAPPED PARKING SPACE



OPEN LOT PLAN

Storage of vehicle inventory on any City right-of-way is strictly prohibited without an easement agreement between the property owner and the City.

Y4⁴-1-03



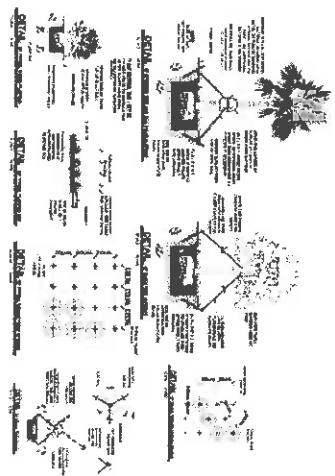
1200 - 1208 - 1212 WHITE STREET
OPEN LOT PLAN

REAL

STRUCTURAL DETAILS BY
PAUL J. MITCHELL, P.E.
FLORIDA P.E.#3391
P.O. BOX 4888 KEY WEST, FL 33040
(305) 304-7985

THOMAS KELLY ENTERPRISES INC.
7141 ROCKY ROAD - SUBARONG KEY
 • DESIGN CONCEPTS
 • CONSTRUCTION MANAGEMENT
 (908) 748-1500

PROJ. NO. D-8
or 10



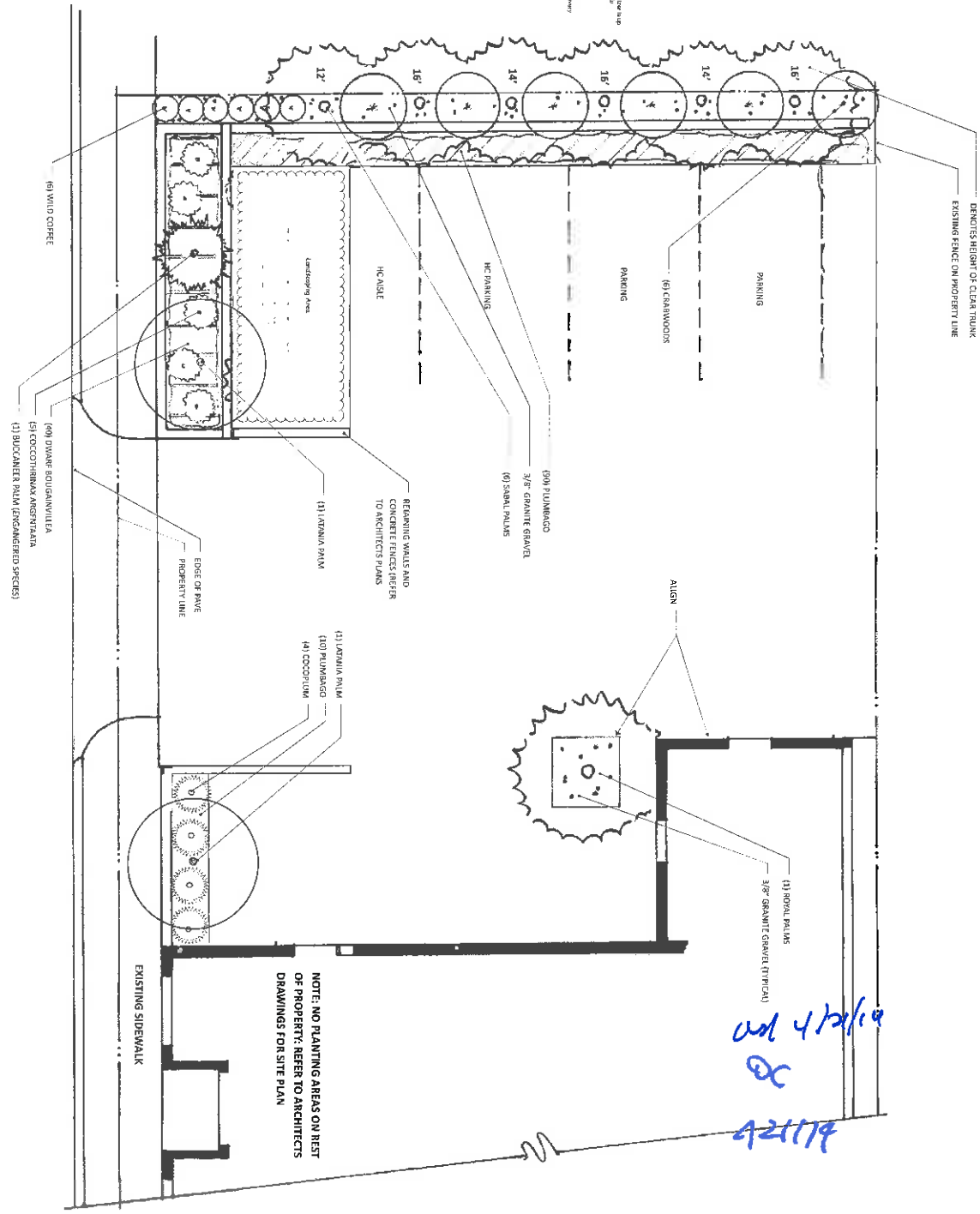
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- | ADDITIONAL NOTES: | |
|--|--|
| 1. Landscape contractor to visit site to determine soil/tilth requirements prior to bid and install. | |
| 2. Plan shows procedure over plant tag, bid and install accordingly. | |

1200-1206-1212 WHITE STREET



PLANTING PLAN